

**REMARKS/ARGUMENTS**

Applicants present the following amendments and arguments in response to the Office Action mailed March 14, 2006. Claims 43-53 are pending in this application. Claims 1-42 have been previously withdrawn due to the Examiner's restriction requirement and are canceled herein. Claim 54 has been cancelled. These claims have been withdrawn or cancelled without disclaimer of the subject matter thereof. Applicants reserve the right to file divisional applications directed to the subject matter of any claim withdrawn or cancelled for any reason. New claim 55 has been added to the pending claims. This new claim adds no new matter to the application and Applicants respectfully request entry of the same.

**Claim Rejections Under 35 U.S.C. §102(b)**

The Examiner rejected claims 43-53 under 35 U.S.C. §102(b) as anticipated by WO 02/058775 (WO '775).<sup>1</sup> According to the Examiner, WO '775 discloses multiple coatings of substrates comprising metallic stents; that metals could be deposited by electrodeposition or by an electroless process; and that the presence of biologically active substances in the form of radioisotopes was described. March 14, 2006 Office Action ("OA"), page 3. The Examiner objected to claim 54 as dependent upon a rejected claim. *Id.*

Without agreeing with the Examiner's rejection or acquiescing to the propriety thereof, Applicants have amended claim 43 to recite that the claimed therapeutic material is selected from the group consisting of rapamycin (sirolimus), rapamycin (sirolimus) analogs, paclitaxel, paclitaxel derivatives, growth factors, heparin, aspirin, tetracycline, dexamethasone, des-aspartate angiotensin I, tachykinins, sialokinins, apocynin, siRNA, pleiotrophin, exochelins, and combinations thereof. This feature is not

---

<sup>1</sup> While the Office Action lists the cited reference as WO 01/70294 A2 (WO '294), this citation was determined to be an error with WO 02/058775 (WO '775) as the intended cited reference.

disclosed by the cited reference, and, as such, Applicants request that the rejection of the presently pending claims under 35 U.S.C. §102(b) be withdrawn.

Therefore Applicants believe the present application is in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 6/12/06

  
\_\_\_\_\_  
Michelle S. Glasky, Ph.D.  
Registration No. 54,124

**PRESTON GATES & ELLIS LLP**  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104-7078  
Tel: (206) 623-7580  
Customer No. 48,423